



County of Los Angeles CHIEF EXECUTIVE OFFICE

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May 20, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Position to oppose AB 729 (Hernández).** This measure would provide new evidentiary privileges to union agents and represented employees, reducing the County's authority to effectively investigate matters that impact services and other local matters for which the agency has a duty to safeguard. Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority, **the Sacramento advocates will oppose AB 729.**
- **Status of County-Sponsored Legislation**
 - **County-sponsored AB 195 (Hall)** - which would extend the existing sunset date for design-build authority granted to counties, passed the Assembly Appropriations Committee on May 15, 2013. The bill was amended by the committee bill to change the sunset date to July 1, 2016 instead of July 1, 2020.

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- **County-sponsored AB 246 (Bradford)** - related to the Brown Act, which would add the Governor to the existing list of officials with whom local governing bodies can meet in closed session on specified security matters, passed the Senate Governance and Finance Committee on May 15, 2013.
- **County-sponsored SB 360 (Padilla)** - related to certification and piloting of new voting systems, passed the Senate Appropriations Committee on May 13, 2013.

- **Status of County-Advocacy Legislation**

- **County-supported AB 406 (Torres and Bloom)** - related to child abuse reporting teams, passed the Senate Public Safety Committee on May 14, 2013.
- **County-supported AB 643 (Stone)** - related to State compliance with Federal law, the Uninterrupted Scholars Act, which provides child welfare agencies with access to school records of children under their supervision, passed the Assembly Floor on May 13, 2013.
- **County-supported AB 1322 (Patterson)** - related to the reinstatement of the Senior Citizens and Disabled Citizens Property Tax Postponement Program, was placed on the Assembly Appropriations Committee Suspense File on May 15, 2013.
- **County-supported SB 519 (Emmerson)** - related to the reimbursement of special elections, was placed on the Senate Appropriations Committee Suspense File on May 13, 2013.

- **Status of Legislation of County Interest**

- **AB 735 (Gomez)** - which would promote development of the greenways along rivers in the State, was placed in the Assembly Suspense File on May 15, 2013, and is now a two-year bill.
 - **AB 1151 (Ting)** - related to property tax agents, was placed on the Assembly Appropriations Committee Suspense File on May 15, 2013.
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Pursuit of County Position on Legislation

AB 729 (Hernández), as amended on May 6, 2013, would create a new evidentiary privilege for communications between union agents and represented employees, similar to those currently in place for communications between spouses, attorney and client, doctor and patient.

Existing law governs the admissibility of evidence in court proceedings and generally provides a privilege to communications made in the course of certain relations, including the attorney-client, physician-patient, and psychotherapist-patient relationship. Under existing law, a claim to evidentiary privileges is waived if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to disclosure.

AB 729 would provide that a union agent and a currently or formerly represented employee have the privilege to refuse to disclose any confidential communication between them while the agent was acting in his or her representative capacity. Additionally, the bill would allow a currently or formerly represented employee to prevent another person from disclosing a privileged communication. The bill would provide that these privileges may be waived in accordance with existing law.

The Chief Executive Office Employee Relations Branch (CEO-ER) indicates that AB 729 creates a privilege that is too broad and would make it much harder to conduct investigations of possible wrongdoing. CEO-ER notes that union representatives could abuse this privilege by precluding employees who wish to voluntarily report or testify. CEO-ER further notes that this measure is inequitable and one-sided, as employers would be required to disclose management communications with employees, while union representatives and employees would not. Finally, CEO-ER reports that in further complicating labor-employer relations, AB 729 would increase the resources local agencies expend on crucial investigations.

This office recommends opposing AB 729, as it would reduce the County's authority to effectively and efficiently investigate matters that impact services, operations, and other local matters for which the agency has a duty to safeguard. Therefore, consistent with existing policy to oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority, and unless otherwise directed by the Board, **the Sacramento advocates will oppose AB 729.**

AB 729 is sponsored by the California Labor Federation. It is supported by: American Federation of State, County, and Municipal Employees; Association for Los Angeles Deputy Sheriffs; Los Angeles County Probation Officers Union; Los Angeles Police

Protective League; California School Employees Association; and 18 other employee organizations.

The bill is opposed by: The California Chamber of Commerce; California District Attorneys Association; California Special Districts Association; California Association of Joint Powers Authorities; California State Sheriffs' Association; and Rural County Representatives of California, among others.
AB 729 is currently on the Assembly Floor.

Status of County-Sponsored Legislation

County-sponsored AB 195 (Hall), which as introduced on January 28, 2013, would amend Section 20133 of the Public Contract Code to extend the existing sunset date for design-build authority granted to counties from July 1, 2014 to July 1, 2020, passed the Assembly Appropriations Committee by a vote of 16 to 1 on May 15, 2013. The Committee amended the bill to extend the sunset date to July 1, 2016 instead of July 1, 2020 and to add Senator Wolk as the principal co-author. This measure now proceeds to the Assembly Floor.

County-sponsored AB 246 (Bradford), which as introduced on February 6, 2013, would amend the Brown Act to add the Governor to the existing list of officials with whom local governing bodies can meet in closed session on specified matters of security, passed the Senate Governance and Finance Committee by a vote of 7 to 0 on May 15, 2013. This measure now proceeds to the Senate Floor.

County-sponsored SB 360 (Padilla), which as amended on April 10, 2013, would require a specified State certification and testing process for voting systems and allow local jurisdictions to pilot publicly-owned voting systems, passed the Senate Appropriations Committee by a vote of 5 to 0 on May 13, 2013. This measure now proceeds to the Senate Floor.

Status of County-Advocacy Legislation

County-supported AB 406 (Torres and Bloom), which as introduced on February 15, 2013, would repeal the January 1, 2014 sunset clause to allow county child abuse Multi-Disciplinary Teams (MDTs) engaged in the investigation of suspected child abuse and neglect to utilize two-person MDTs when disclosing or exchanging information, passed the Senate Public Safety Committee by a vote of 7 to 0 on May 14, 2013. This measure now proceeds to the Senate Floor.

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County-supported AB 643 (Stone), which as amended on May 7, 2013, would continue to make various changes to pupil record provisions under State law to conform to Federal law pursuant to **County-supported S. 3472**, the Uninterrupted Scholars Act of 2013, that amends the Family Educational Rights and Privacy Act to provide child welfare agencies access to school records of children under their supervision, passed the Assembly Floor by a vote of 75 to 0 on May 13, 2013. This measure now proceeds to the Senate.

County-supported AB 1322 (Patterson), which as amended on May 1, 2013, would establish a fund to pay the costs and disbursements related to the postponement of property taxes for eligible applicants, was placed on the Assembly Appropriations Committee Suspense File on May 15, 2013.

County-supported SB 519 (Emmerson), which as amended on April 1, 2013, would require the State to reimburse counties for special election expenses incurred between January 1, 2012 and December 31, 2013, was placed on the Senate Appropriations Committee Suspense File on May 13, 2013.

Status of Legislation of County Interest

AB 735 (Gomez), which as amended on April 23, 2013, would establish the Statewide Greenway Initiative to promote development of the greenways along rivers in the State, including the development of a greenway along the Los Angeles River, and would also authorize a city, county, city and county, or other local government entity, upon approval of its legislative body by ordinance or resolution, to apply for public or private funding available for the development of greenways, was placed in the Assembly Suspense File on May 15, 2013. This office has confirmed that AB 735 is now a two-year bill.

AB 1151 (Ting), which as amended on May 7, 2013, would, beginning July 1, 2014, require property tax agents to register biannually with the Secretary of State before representing a taxpayer before any county official, was placed on the Assembly Appropriations Committee Suspense File on May 15, 2013.

We will continue to keep you advised.

WTF:RA
MR:PC:ma

c: All Department Heads
Legislative Strategist